

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6801

BILL NUMBER: SB 314

DATE PREPARED: Dec 19, 2001

BILL AMENDED:

SUBJECT: Possession of Firearms by Minors.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- (A) It makes dangerous possession of a firearm by a child who is less than 16 years of age a delinquent act.
- (B) It makes the offense, in certain cases, a nonsuspendible offense and requires a minimum period of confinement in a juvenile secure facility if the offense is committed in a Public Safety Improvement Area.
- (C) It prohibits certain adult offenders convicted of dangerous possession of a firearm from being placed on home detention or in a community corrections program.

Effective Date: July 1, 2002.

Explanation of State Expenditures: (A) This provision clarifies juvenile court jurisdiction for the offense specified. State expenditures could increase if juvenile offenders are incarcerated for longer periods in Department of Correction (DOC) juvenile facilities.

If juveniles are convicted of firearm possession violations in Public Safety Improvement Areas, this bill requires that they spend a minimum nonsuspendible 120-day sentence in either a secure facility or a quasi-military program for rehabilitative purposes. For the period between January 1, 1998, and June 31, 2000, 10 juveniles who were under 16 at the time of sentencing were released from DOC facilities after being incarcerated for violations of IC 35-47-10-5. Their average length of stay in DOC facilities for this statute violation was 546 days.

The average FY 2000 DOC cost of housing juveniles was \$44,541 (The FY 1999 cost of the DOC Camp Summit quasi-military boot camp program specified in the bill was \$46,676).

The following table shows the number of juvenile offenders admitted to a DOC juvenile facility for violating IC 35-47-10-5 during FY 2001:

Current Age	Under 14	14 Years	15 Years	16 Years	17 Years	Total
Number of Juveniles	0	0	1	2	2	5

Disallowing placement in home detention or other community corrections programs could increase the number of juveniles who would be placed in juvenile facilities. (e.g., the cost of electronic monitoring in home detention averages \$13.85 a day, or \$5,055 annually) if no other facilities are available at the local level. The number of juveniles sentenced to community corrections programs for firearm possession violations is not known.

Legislative bodies of second class and consolidated cities may apply to the Indiana Criminal Justice Institute to create Public Safety Improvement Areas under IC 36-8-19.5. Areas with this designation must have high crime rates. These areas are eligible to receive grants from the Criminal Justice Institute to address these problems. As of December 2001, Public Safety Improvement Areas were located in two sections of Indianapolis (Marion County), one in Michigan City (Laporte County), and one in East Chicago (Lake County).

Provisions B and C: Under current law, the court may suspend all of a defendant's sentence for dangerous possession of a firearm. The offender, whose sentence is suspended, is placed on probation for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire. Or alternatively, the court may directly place an offender in a community correction program instead of in prison. Offenders convicted and sentenced for possession of a firearm in a Public Safety Improvement Area will be sentenced to at least two years in prison and will be incarcerated for at least one year.

For a Class C felony, the minimum sentence is two years. Assuming that offenders receive one day of credit for each day served when complying with DOC facility rules of conduct, the offenders could be released from prison in one year.

DOC's annual reports show that no offenders have been committed to DOC facilities for this felony. Consequently, LSA staff is not able to estimate the additional beds that would be needed from this change in statute.

Explanation of State Revenues:

Explanation of Local Expenditures: (A) Juvenile courts would be unlikely to experience any measurable effect due to this bill.

Provisions B and C could reduce the workload for probation departments and community corrections programs if some of these offenders are sentenced to DOC facilities instead of community corrections or probation programs.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Juvenile courts; probation departments and community corrections programs.

Information Sources: Department of Correction.